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PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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|---|--------------------------------|---|---|----------------------------|---|--|-------------------------|--------------------------------|
| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES | | Docket Number (Optional) 1999P07938US01 (1009-045) | | | | | | |
| <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(e)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p> | | <p>In re Application of McNutt, Alan</p> <table border="1"> <tr> <td>Application Number 09/697,419</td> <td>Filed 10/26/2000</td> </tr> <tr> <td colspan="2">Re-Programmable Flash Memory Micro Controller For as a Programmable Logic Controller</td> </tr> <tr> <td>Art Unit 2193</td> <td>Examiner Vu, Tuan A.</td> </tr> </table> | Application Number 09/697,419 | Filed 10/26/2000 | Re-Programmable Flash Memory Micro Controller For as a Programmable Logic Controller | | Art Unit 2193 | Examiner Vu, Tuan A. |
| Application Number 09/697,419 | Filed 10/26/2000 | | | | | | | |
| Re-Programmable Flash Memory Micro Controller For as a Programmable Logic Controller | | | | | | | | |
| Art Unit 2193 | Examiner Vu, Tuan A. | | | | | | | |
| <p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2504.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor. Michael Haynes Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 9.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number 434-972-9988 Telephone number</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. 40,014 06/05/2006 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | | | | | | |

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take .12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF TRANSMISSION

Date of Transmission: **05 June 2006**

I hereby certify that the following correspondence is being facsimile transmitted to the attention of the Director of the US Patent and Trademark Office on the above date via the following facsimile number: 571-273-8300.

PTO-2038 Credit Card Payment Form (1 sheet)

PTO/SB/17 Fee Transmittal Form (1 sheet)

Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (1 sheet)

| | | | |
|---------------------------|----------------------------------|-----------|--------------|
| Application Number | 09/697,419 | Art Unit: | 2193 |
| Confirmation No.: | 5374 | Examiner: | Vu, Tuan A. |
| Filing Date: | 26 October 2000 | Inventor: | McNutt, Alan |
| Document Submission Date: | 05 June 2006 | | |
| Docket: | 1999P07938US01 (1009-045) | Pages: | 4 |

| | | |
|-------------|-------------------|--------------------------|
| 05 Jun 2006 | Michael N. Haynes | <i>Michael N. Haynes</i> |
| Date | Name of Certifier | Signature of Certifier |

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**Effective on 12/08/2004.
 Fees pursuant to the Consolidated Appropriations Act, 2006 (H.R. 4818).**

**FEE TRANSMITTAL
 For FY 2005**

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **500.00**

| <i>Complete if Known</i> | |
|--------------------------|---------------------------|
| Application Number | 09/697,419 |
| Filing Date | 28 October 2000 |
| First Named Inventor | McNutt, Alan |
| Examiner Name | Vu, Tuan A. |
| Art Unit | 2193 |
| Attorney Docket No. | 1999P07938US01 (1009-045) |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Nonc Other (please identify): _____

Deposit Account Deposit Account Number: 50-2804 Deposit Account Name: Michael N. Haynes

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
 under 37 CFR 1.18 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 |
| Design | 200 | 100 | 100 | 50 | 130 | 65 |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Fee (\$)
 Small Entity

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Fee (\$)
 Small Entity

200 100

Multiple dependent claims

Fee (\$)
 Small Entity

360 180

Total Claims

$$\frac{\text{Extra Claims}}{- 20 \text{ or HP}} \times \frac{\text{Fee ($)}}{50} = \frac{\text{Fee Paid ($)}}{0}$$

HP = highest number of total claims paid for, if greater than 20

$$\frac{\text{Indep. Claims}}{- 3 \text{ or HP}} \times \frac{\text{Fee ($)}}{200} = \frac{\text{Fee Paid ($)}}{0}$$

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

$$\frac{\text{Total Sheets}}{- 100} / 50 = \frac{\text{Number of each additional 50 or fraction thereof}}{0} \cdot (\text{round up to a whole number}) \times \frac{\text{Fee ($)}}{250} = \frac{\text{Fee Paid ($)}}{0}$$

4. OTHER FEE(S)

Non-English Specification: \$130 fee (no small entity discount)
 Other: Notice of Appeal

| SUBMITTED BY | | Registration No. (Attorney/Agent) | Telephone |
|---------------------|--------------------------|--------------------------------------|--------------|
| Signature | <i>Michael N. Haynes</i> | 40,014 | 434-972-9988 |
| Name (Print/Type) | Michael N. Haynes | Date | 05 Jun 2006 |

This collection of information is required by 37 CFR 1.158. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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